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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/708,294
Filing Date: February 23, 2004
Appellant(s): MCPEAKE ET AL.

G. Mack Riddle, Reg. No. 55,572

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 3/11/2008 appealing from the Office action mailed on 10/12/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. Examiner is relied upon the appellant's statement contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Evidence Relied Upon*

Hermansen et al. (US Patent 6,963,871) hereinafter Hermansen, and
Stretton et al. (USPA Pub 2006/0095368 A1) hereinafter Stretton.

(9) *Grounds of Rejection*

The following grounds of rejection are applicable to the appealed claims:
Claims 1, 3-5, 7-13, 15-25, 27-29, 31-37, 39-46 are rejected under 35 U.S.C. § 102(e) which as being anticipated by Hermansen et al. (US Patent 6,963,871) hereinafter Hermansen.

Further, claims 14, 38, 47-60, 62-67 are rejected under 35 U.S.C. § 103(a) which as being unpatentable over Hermansen et al. (US Patent 6,963,871) hereinafter Hermansen and in view of Stretton et al. (USPA Pub 2006/0095368 A1) hereinafter Stretton.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5, 7-13, 15-25, 27-29, 31-37, 39-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Hermansen et al. (US Patent 6,963,871) hereinafter Hermansen.

3. As per independent claims 1, 25, Hermansen teaches a name searching system with multiple processing options, which automatically selects and uses an appropriate cultural-specific set of algorithms to search for database for names and evaluate their proximity to a query name with multiple processing options (col. 3, lines 53-58). Hermansen teaches the claimed, determining whether a particular name matches any names on a list of names, said particular name comprising one or more words (col. 3, lines 59-63 and col. 4, lines 6-9). Hermansen teaches the claimed, generating codes characterizing the particular name by generating a code for each word of the particular name that is based at least in part on phonetic sounds of the word and on whether characters of the word match a pattern occurring in a proper name in a given natural

language (Fig. 1, col. 10, lines 21-25 and lines 40-51). Hermansen teaches the claimed, deriving an initial set of any matching names by comparing the codes of the particular name against corresponding codes for the list of names (Fig. 1, col. 10, lines 34-39). Hermansen teaches the claimed, deriving a final set of any matching names by comparing words of the particular name against words of names in the initial set (Fig. 2, col. 11, lines 11-16). Hermansen teaches the claimed, deriving a final set includes calculating a score based upon combinations of words of the particular name and words of names in the initial set (Fig. 3, col. 6, lines 48-50). Hermansen teaches the claimed, calculating a score is based, at least in part, upon number of matching characters in respective words (Fig. 2, col. 14, lines 3-14). Hermansen teaches the claimed, displaying any matching names in the final set having a score greater than an established threshold (Fig. 3, col. 7, lines 53-58). Hermansen also teaches the amended claim 25, limitation, a computer having a processor and memory (Fig. 3, col. 1, lines 26-27 and col. 6, lines 29-36).

4. As per dependent claims 3, 27, Hermansen teaches the claimed, step of calculating a score is based, at least in part, on how well characters correlate between respective words (col. 2, lines 43-46).

5. As per dependent claims 4, 28, Hermansen teaches the claimed, step of calculating a score includes determining whether a character at a certain position in a first word is at the certain position in a second word (Fig. 7, col. 9, lines 22-25).

6. As per dependent claims 5, 29, Hermansen teaches the claimed, step of calculating a score includes determining whether a character at the certain position in the first word is at a different position in the second word (Fig. 7, col. 9, lines 30-33).

7. As per dependent claims 7, 31, Hermansen teaches the claimed, step of calculating a score is based, at least in part, upon a position in a word at which a matching character is located (Fig. 7, col. 8, lines 56-61).

8. As per dependent claims 8, 32, Hermansen teaches the claimed, step of calculating a score includes calculating preliminary scores based on pairing each word of the particular name with each word of a name in the initial set (Fig. 1, col. 5, line 65 to col. 6, line 7).

9. As per dependent claims 9, 33, Hermansen teaches the claimed, step of calculating a score further comprises calculating an average of at least some of the preliminary scores (Fig. 7, col. 8, lines 56-58).

10. As per dependent claims 10, 34, Hermansen teaches the claimed, step of deriving a final set further comprises determining whether the score exceeds a threshold (col. 14, lines 37-45).

11. As per dependent claims 11, 35, Hermansen teaches the claimed, threshold may be established by a user (col. 13, lines 55-57) .

12. As per dependent claims 12, 36, Hermansen teaches the claimed, step of deriving a final set is based, at least in part, on length of words of the particular name and words of names in the initial set (Fig. 7, col. 8, lines 53-55).

13. As per dependent claims 13, 37, Hermansen teaches the claimed, step of deriving an initial set includes determining if at least one code generated for the particular name matches a code for a name on the list of names(Fig. 7, col. 8, lines 56-58).

14. As per dependent claims 15, 39, Hermansen teaches the claimed, step of generating codes includes parsing the particular name into words (Fig. 2, col. 12, lines 38-40).

15. As per dependent claims 16, 40, Hermansen teaches the claimed, step of generating codes includes removing superfluous characters (Fig. 7, col. 9, lines 5-8).

16. As per dependent claims 17, 20, 41, 44, Hermansen teaches the claimed, step of generating codes includes equating like-sounding characters (Fig. 8, col. 10, lines 28-31).

17. As per dependent claims 18, 42, Hermansen teaches the claimed, step of generating codes includes generating a single code value based on a plurality of characters (Fig. 7, col. 8, lines 56-58).

18. As per dependent claims 19, 43, Hermansen teaches the claimed, step of generating codes includes examining a character in a word in context of other characters in the word (Fig. 1, col. 6, lines 8-12).

19. As per dependent claims 20, 44, Hermansen teaches the claimed, step of generating two codes for each word of the particular name, with each of the two codes representing a different pronunciation (Fig. 1, col. 10, lines 25-31).

20. As per dependent claims 21, 45, Hermansen teaches the claimed, step of generating codes includes evaluating a plurality of characters to identify particular patterns of characters (Fig. 7, col. 9, lines 5-8).

21. As per dependent claims 22, 46, Hermansen teaches the claimed, particular patterns comprise patterns of characters common in particular natural languages (Fig. 7, col. 9, lines 5-8).

22. As per dependent claim 23, this claim is treated as an independent. Hermansen teaches the claimed, a computer-readable medium having processor-executable instructions for performing as per dependent claim 1. This claim is rejected under the same rationale as claim 1.

23. As per dependent claim 24, this claim is treated as an independent. Hermansen teaches the claimed, a downloadable set of processor-executable instructions for performing the method of claim 1. This claim is rejected under the same rationale as claim 1.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

25. Claims 14, 38, 47-60, 62-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermansen et al. (US Patent 6,963,871) hereinafter Hermansen, and in view of Stretton (USPA Pub. 2006/0095368 A1) hereinafter Stretton.

26. As per dependent claims 14, 38, Hermansen does not explicitly teach suspect list. However, Stretton teaches the claimed, suspect list (page 4, paragraph [0043]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because Stretton's teachings would have allowed Hermansen's method of detecting the structuring of transactions in a way that alleviates the money laundering activities rely on watch-lists of suspect individuals and nationalities (page 1, paragraph [0005 & 0007]).

27. As per independent claim 47, Hermansen teaches a name searching system with multiple processing options, which automatically selects and uses an appropriate cultural-specific set of algorithms to search for database for names and evaluate their proximity to a query name with multiple processing options (col. 3, lines 53-58). Hermansen teaches the claimed, determining whether a particular name matches any name on a list, said particular name having one or more words (col. 3, lines 59-3 and col. 4, lines 6-9). Hermansen teaches the claimed, generating a code for each word of

said particular name based at least in part on phonetic sound and on patterns of characters occurring in names in natural languages (Fig. 1, col. 10, lines 21-25 and lines 40-51). Hermansen teaches the claimed, identifying a set of potentially matching names by comparing codes generated for said particular name with codes generated for names on the list (Fig. 1, col. 10, lines 34-39). Hermansen teaches the claimed, for each name in the set of potentially matching names, calculating a score based, at least in part, upon correlation of characters between words of said particular name and words of the name (Fig. 3, col. 6, lines 48-50). Hermansen teaches the claimed, if the score calculated for said particular name and the suspect name exceeds a threshold, reporting the match to the user (Fig. 3, col. 4, lines 37-40). Herman teaches the claimed, calculation of the score is based, at least in part, upon number of matching characters in a first word and a second word (Fig. 2, col. 14, lines 3-14).

Hermansen does not explicitly teach suspect list. However, Stretton teaches the claimed, suspect list (page 4, paragraph [0043]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because Stretton's teachings would have allowed Hermansen's method of detecting the structuring of transactions in a way that alleviates the money laundering activities rely on watch-lists of suspect individuals and nationalities (page 1, paragraph [0005 & 0007]).

28. As per dependent claim 48, Hermansen and Stretton combined teaches claim 47. Stretton teaches the claimed the suspect list comprises a watch list (page 4,

paragraph [0043]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Stretton's teachings would have allowed Hermansen's method of detecting the structuring of transactions in a way that alleviates the money laundering activities rely on watch-lists of suspect individuals and nationalities (page 1, paragraph [0005 & 0007]).

29. As per dependent claim 49, 54, Hermansen teaches the claimed, step of generating a code includes parsing said particular name into words (Fig. 2, col. 12, lines 38-40).

30. As per dependent claim 50, Hermansen teaches the claimed, step of generating a code includes removing superfluous characters (Fig. 7, col. 9, lines 5-8).

31. As per dependent claim 51, Hermansen teaches the claimed, step of generating a code includes equating like-sounding characters (Fig. 8, col. 10, lines 28-31).

32. As per dependent claim 52, Hermansen teaches the claimed, step of generating a code includes generating a single code value based on a plurality of characters (Fig. 7, col. 8, lines 56-58).

33. As per dependent claim 53, Hermansen teaches the claimed, step of generating a code includes examining a character in a word in context of other characters in the word (Fig. 1, col. 6, lines 8-12).

34. As per dependent claim 55, Hermansen teaches the claimed, step of generating a code includes evaluating a plurality of characters to identify particular patterns of characters (Fig. 1, col. 6, lines 8-12).

35. As per dependent claim 56, Hermansen teaches the claimed, particular patterns comprise patterns of characters common in particular natural languages (Fig. 7, col. 9, lines 5-8).

36. As per dependent claim 57, Hermansen teaches the claimed, step of calculating a score includes calculating preliminary scores based on pairing each word of said particular name with each word of the suspect name (Fig. 1, col. 5, line 65 to col. 6, line 7).

37. As per dependent claim 58, Hermansen teaches the claimed, step of calculating a score includes calculating an average of at least some of the preliminary scores (Fig. 7, col. 8, lines 56-58).

38. As per dependent claim 59, Hermansen teaches the claimed, step of calculating a score includes comparing a character at a certain position in a first word with a character at the certain position in a second word (Fig. 7, col. 9, lines 22-25).

Art Unit: 2166

39. As per dependent claim 60, Hermansen teaches the claimed, step of calculating a score further comprises determining whether the character at the certain position of the first word is at a different position in the second word (Fig. 7, col. 9, lines 30-33).

40. As per dependent claim 62, Hermansen teaches the claimed, step of calculating a score is based, at least in part, upon a position in a word at which a matching character is located (Fig. 7, col. 8, lines 56-61).

41. As per dependent claim 63, Hermansen teaches the claimed, step of calculating a score is based, at least in part, on length of words of said particular name and the suspect name (Fig. 7, col. 8, lines 53-55).

42. As per dependent claim 64, Hermansen teaches the claimed, step of calculating a score is based, at least in part, on number of words of said particular name and the suspect name (col. 2, lines 43-46).

43. As per dependent claim 65, Hermansen teaches the claimed, step of reporting the match includes reporting the score calculated for said particular name and the suspect name (col. 14, lines 37-45).

44. As per dependent claim 66, a computer-readable medium having processor-executable instructions for performing As per dependent claim 47. This claim is rejected under the same rationale as claim 47.

45. As per dependent claim 67, a downloadable set of processor-executable instructions for performing the method of claim 47. This claim is rejected under the same rationale as claim 47.

(10) Response to Argument

A. First Ground: Claims 1, 3-5, 7-13, 15-25, 27-29, 31-37 and 39-46 are rejected under 35 U.S.C. § 102(e)

Appellant's argued as "the Hermansen reference fails to teach each and every element set forth in Appellant's claims and therefore fails to establish anticipation of the claimed invention under Section 102."

In response to the appellant argument that Hermansen fails to teach, Examiner respectfully disagrees.

Calim1: The appellant claimed a method for determining whether a particular name matches (name matching). The prior art used reject this claim is Hermansen et al. (US Patent 6,963,871) hereinafter Hermansen. Hermansen teaches a name searching system with multiple processing options, which automatically selects and uses an appropriate cultural-specific set of algorithms to search for database for names and evaluate their proximity to a query name with multiple processing options (col. 3,

lines 53-58). Hermansen teaches the claimed, determining whether a particular name matches any names on a list of names, said particular name comprising one or more words ("The object of the invention is to provide a system and method implementing multi-algorithm name searching strategies, where search processing differs based on one or more of: culture, ethnicity, distribution, and language" and "A further object of the invention is to provide a name searching system and method that selectively uses sets of generic and language-specific spelling rules to infer possible phonological manifestations for personal names. A unique aspect of the comparison algorithm derives a scored match based on atomic phonological features" at col. 3, lines 59-63 and col. 4, lines 6-9). Hermansen teaches the claimed, generating codes characterizing the particular name by generating a code for each word of the particular name that is based at least in part on phonetic sounds of the word and on whether characters of the word match a pattern occurring in a proper name in a given natural language ("generating an index key for a first pass through the database, the present invention applies the International Phonetic Alphabet to generate index keys, rather than using a Soundex or another conventional key." and "To program the IPA conversion, a rule set is generated that relates spelling to sounds. A different rule set is preferably generated for each ethnic origin of name, since pronunciations of apparently similar names may vary significantly based on origin. To generate a rule set, preferably a database of single name elements is obtained, such as a census list. The names in the list may are then manually tagged for their ethnic origin A variety of sources may then be used to determine possible pronunciations. These sources

include native speaker knowledge and textual information. The rules are written broadly so that the most plausible pronunciations will be captured with some certainty.” at Fig. 1, col. 10, lines 21-25 and lines 40-51). Hermansen teaches the claimed, deriving an initial set of any matching names by comparing the codes of the particular name against corresponding codes for the list of names (“The system determines multiple possible pronunciations of the name, where applicable, and associates an IPA key with each possible pronunciation. Then, records matching any of the IPA keys for a name are then selected for further consideration and comparison.” at Fig. 1, col. 10, lines 34-39). Hermansen teaches the claimed, deriving a final set of any matching names by comparing words of the particular name against words of names in the initial set (“It should be noted that it may not be desirable to apply IPA processing to all classes of names. For example, the inventors have found that names of Arabic and Chinese origin are better processed using custom regularization algorithms rather than by the generalized IPA approach, since names acknowledged as similar in these cultures are often quite distinct phonologically.” at Fig. 2, col. 11, lines 11-16). Hermansen teaches the claimed, deriving a final set includes calculating a score based upon combinations of words of the particular name and words of names in the initial set (“Linguistic information aggregator 308 performs linguistic analysis, gathering information and scoring for the input name. In the preferred embodiment, linguistic information aggregator 308 generates scores from four data sources.” at Fig. 3, col. 6, lines 48-50). Hermansen teaches the claimed, calculating a score is based, at least in part, upon number of matching characters in respective words (“The

name checking tool incorporates information regarding variations in spelling, discrepancy in the number of name segments (amount of information included), exclusion of expected information, and positional information to establish a name score, which indicates the probability that the two names represent the same individual. The tool is controlled by a set of configurable parameters. The tool also manages and produces an ordered or unordered list of candidate names with the highest probability of representing the same named person, based on the developer defined criteria for establishing a set of results.” at Fig. 2, col. 14, lines 3-14).

Hermansen teaches the claimed, displaying any matching names in the final set having a score greater than an established threshold (“Processor 310 accepts as input one aggregate LID score for each culture, as well as an aggregate LID score for “other.” For each score, processor 310 compares the score to a LID threshold for the appropriate culture. If the LID score for a culture exceeds the threshold for that culture, processor 310 returns a value of “true” for the indicated culture.” at Fig. 3, col. 7, lines 53-58). Hermansen also teaches the amended claim 25, limitation, a computer having a processor and memory (“Information about individuals is often stored in a computer.” and “FIG. 3 shows the software modules incorporated in name classifier module 102 in more detail. Name classifier module 102 incorporates a name classifier control module 302, a linguistically informed decision (LID) processor 304, a digraph distribution processor 306, and a final decision processor 309. Digraph distribution processor 306 incorporates digraph information processor 312 and digraph

intermediate decision processor 314.” at Fig. 3, col. 1, lines 26-27 and col. 6, lines 29-36).

Appellant have been arguing that the “deriving an initial list” and rest of the claimed limitations directly dependent on “initial list”. (The cited paragraphs [0021], [0060], [0067] and 0073] in the Summary does not explicitly or implicitly support the claimed limitation of “deriving initial set...”). However, Fig. 4, element 410 and paragraph [0079], stated as “the incoming name processed by the pre-match module to generate a code for each word of the name.” The rules for processing pre-match module and creating or deriving “initial list” are not explicitly defined. Whereas the following claimed limitations totally depend on this limitation.

Appellant argued as “One particular feature of Appellant’s claimed invention which differs from that of Hermansen is the manner in which Appellant's solution calculates a score.”

Appellant did not define properly defining initial list and the score determination is dependent on "initial list." Hermansen teaches scoring in details as “In the preferred embodiment, linguistic information aggregator 308 generates scores from four data sources. High frequency name processor 316 accesses a high frequency name data store of names that occur frequently in particular cultures. A match with one of these names causes aggregator 308 to retrieve and record the culture associated with the name and a confidence score associated with that name. Text/affix/qualifier (TAQ)

processor 320 breaks the name into particles and makes use of the information contained in those particles to match a list of titles, affixes, and qualifiers commonly used in names of various cultures, to help determine cultural affinity. The input name is segmented based on spaces in the name, and for each segment present in the input name, TAQ processor 320 determines whether that segment is a particle present in a TAQ data store. If so, TAQ processor 320 retrieves and records the culture, name field, and confidence score associated with that TAQ particle” (See at Fig. 3, col. 6 lines 48-65).

Appellant argued as “Hermansen does not include the specific teaching calculating a score based on the number of characters in each word of the names being compared.” Examiner respectfully disagrees. Hermansen teaches extensively in calculating a score rather than giving only for number of characters in a word. Hermansen uses four different data sources to calculate scores (see Fig. 3, col. 6, lines 48-50) whereas in the current invention compare in only one way character by character. Comparison of character by character technique is provided by any basic programming language textbooks. Applicant has been misinterpreting the example of Hermansen as Hispanic, Arabic etc. It clearly means that the word characters could differ when the culture background is not taken into account. Examiner feels it is a better technique than the current invention used sound based “phonetic sounds of the word” (see disclosure Summary of Invention paragraph [0027].

Appellant argued as “Hermansen’s solution also differs from that of Appellant in that it provides different search algorithms for different language and/or cultures.”

Art Unit: 2166

Examiner respectfully disagrees. Hermansen is considering several cultures in order cover extensively and not restricted to one ethnicity or culture. Again, Examiner brings to the notice of Applicant that the applicant has been misinterpreting the example of Hermansen as Hispanic, Arabic etc. Hermansen has disclosed the Sundew method as "Other systems

Claims 4-5 and 28-29:

Applicant argued regarding claim 4 as "Appellant's scoring methodology involves comparing characters of each word of two names being compared this includes examining characters at corresponding position in the two words" (see page 15, paragraph last).

It is well known that when characters are compared between two words, the comparison definitely takes into account the order of characters in the first word and the second word whenever comparing two words to determine that they are same or different in one or two characters.

Applicant argued regarding claim 5 as "This is not comparable to Appellant's claimed invention which provides for calculating a score based on positioning of each character of each word of the two names being compared." Examiner respectfully disagrees with the applicant. When comparing it should compare first name to first name and compare separately last name to last name or last name to surname called in other culture/ethnicity. Comparing word to word is not a real valid way, because in some culture the surname or the last names (as per US) are written in a different way. Therefore, Hermansen has brought in the culture as base for comparison when

comparing two names and Herman stated in the Examiner cited paragraph as “first to identify the relative position of each of the surname and given name terms.” (See Hermansen at Fig. 3, col. 9, lines 22-25 “The name is processed by a segment position identifier in Block 712 to identify the relative position of each of the surname and given name stems. Hispanic names generally contain more than one stem in the given name and surname.”)

B. Claims 14, 38, 47-60, 62-67 rejected under 35 U.S.C. 103(a):

Appellant’s argument stated as “Appellant’s claims are believed to be allowable for at least the reasons cited above in Appellant’s First Ground of Appeal. Pertaining to deficiencies of Hermansen as to Appellant’s invention. Stretton does not cure any of these deficiencies.”

In response to Appellant argument, Examiner respectfully disagrees. Stretton reference has been added to cover deficiencies of Hermansen reference in order to cover all claims and their limitations.

C. Conclusion:

The references disclose the claimed invention of searching and matching of personal names. Hermansen teaches an automated name searching system incorporates an automatic name classifier and a multi-path architecture in which different algorithms re applied based on cultural identity of the query name. Herman teaches using different algorithms for comparison or determination of query name with

Art Unit: 2166

the list of names in the database covering cultural/ethnicity background rather than using a single and basic comparison of characters in names and their location/position. Secondly, Hermansen teaching is the user-controlled parameters permit tuning of the search methodologies for specific custom applications. Examiner strongly feels that the teaching of Hermansen in combination with teaching of Stretton is much more specific and flexible as well as superior than the current invention.

For the above reasons, it is believed that the rejection should be sustained.

(11) *Related Proceedings Appendix*

Noël decision rendered by a court or the Board of Appeals and Interferences is identified by the examiner in the "Related Appeals and Interferences" section of this examiner's answer.

Respectfully Submitted,

/Sathyanarayan Pannala/
Primary Examiner, Art Unit 6124

srp
May 26, 2008

Conferees:

1. /Mohammad Ali/, Supervisory Patent Examiner, Art Unit 2169

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